

Robert A. Higgins
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**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

CASE NO.: 17-45118-MXM-13

Harold Powell
4029 Comanche
Fort Worth, TX 76119
SSN/TIN: XXX-XX- 9418

Robin Powell
4029 Comanche
Fort Worth, TX 76119
SSN/TIN: XXX-XX- 7280

DEBTOR(S)

**AMENDED DEBTOR'S MODIFICATION OF CHAPTER 13 PLAN AFTER
CONFIRMATION**

PLAN MODIFICATION DATE: 02/13/2024.

DISCLOSURES

- ☐ **This *Plan Modification* contains *Nonstandard Provisions* listed in Section IX.**
☒ **This *Plan Modification* does not contain *Nonstandard Provisions* listed in Section IX.**

NO HEARING WILL BE CONDUCTED UNLESS A WRITTEN OBJECTION IS FILED WITH THE U.S. BANKRUPTCY CLERK AT ELDON B. MAHON U.S. COURTHOUSE 501 W. 10TH ST., RM. 147 FORT WORTH, TX 76102-3643 BEFORE CLOSE OF BUSINESS AT LEAST 21 DAYS FROM THE DATE SERVED. ANY OBJECTION SHALL BE IN WRITING AND FILED WITH THE CLERK. IF AN OBJECTION IS TIMELY FILED, A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY. IF NO OBJECTION IS TIMELY FILED, THIS MODIFICATION SHALL BE DEEMED UNOPPOSED, AND THE COURT MAY ENTER AN ORDER APPROVING IT.

UNLESS OTHERWISE SET OUT IN THIS *PLAN MODIFICATION*, ALL PROVISIONS,

SCHEDULED AMOUNTS, VALUATIONS, INTEREST RATES, MONTHLY PAYMENT AMOUNTS, AND ASSUMPTIONS OR REJECTIONS OF UNEXPIRED LEASES OR EXECUTORY CONTRACTS (“TERMS”) ARE NOT MODIFIED AND SHALL REMAIN AS SET FORTH IN THE CHAPTER 13 *PLAN*, THE ORDER CONFIRMING THE CHAPTER 13 *PLAN*, THE ORDER APPROVING THE *TRUSTEE’S RECOMMENDATION CONCERNING CLAIMS*, OR AN ORDER APPROVING A PRIOR MODIFICATION OF THE CHAPTER 13 *PLAN*, WHICHEVER WAS ENTERED LATER. ALL TERMS SHALL BE INCORPORATED IN AND CONSTITUTE PROVISIONS OF THIS *PLAN MODIFICATION*. ALL PARTIES SHALL BE BOUND BY THE TERMS OF THIS *PLAN MODIFICATION* UNLESS DISAPPROVED. LANGUAGE IN ITALICIZED TYPE IN THIS *PLAN MODIFICATION* IS DEFINED IN GENERAL ORDER 2017-01 STANDING ORDER CONCERNING CHAPTER 13 CASES AND AS IT MAY BE SUPERSEDED OR AMENDED (“GENERAL ORDER”). ALL PROVISIONS OF THE GENERAL ORDER SHALL APPLY TO THIS *PLAN MODIFICATION* AS IF FULLY SET OUT HEREIN.

Pursuant to 11 U.S.C. §1329 *Debtor* requests the following modification(s) to the *Debtor’s* Chapter 13 *Plan*.

I. REASON(S) FOR MODIFICATION

- XX 1. Cure *Plan* arrears to the *Trustee*.
XX 2. Provide for or modify treatment of a Secured (paragraph V) and/or Priority (paragraph VI) claim.
_____ 3. Provide for payment to the *Mortgage Lender* through the *Conduit Program* (paragraph III).
_____ 4. Cure any post-petition *Mortgage Arrearage* (paragraph IV).
_____ 5. Make *Plan* sufficient based on allowed claims.
_____ 6. Modify the Unsecured Creditors’ Pool from \$_____ to \$_____.
_____ 7. Modify the value of non-exempt property from \$_____ to \$_____.
_____ 8. Supersede an Interlocutory Order (Docket #____).
XX 9. Allow *Debtor’s* counsel’s fees for this modification (paragraph VII).
_____ 10. Other:_____.

II. NEW *PLAN* PAYMENT TO *TRUSTEE* AMOUNT AND TERM

DATE OF CALCULATION: February 13, 2024

TOTAL PAID IN*: \$ 73239.00

*Provide the total amount paid to the *Trustee* as of the Date of Calculation less any refunds by the *Trustee* to the *Debtor*.

The *Plan Payment(s)* to the *Trustee* shall be changed to:

Start Date** (MM/DD/YY)	Number of Periods	<i>Plan Payment</i> Monthly Amount
02/19/2024	3	1000.00

NEW *BASE AMOUNT*: \$ 76239.00

****DEBTOR'S NEW PLAN PAYMENT START DATE MAY NOT BE MORE THAN THIRTY (30) DAYS FROM THE DATE OF THIS PLAN MODIFICATION AND MUST BE THE SAME DAY OF THE MONTH THAT THE DEBTOR'S PLAN PAYMENT IS DUE UNDER THE CONFIRMED PLAN.**

EXCESS BASE AMOUNT

To the extent the base amount exceeds the amount needed to pay allowed Secured, Priority and Administrative claims in full, such excess shall be paid pro rata to timely filed allow non-penalty general unsecured claims up to 100%, then to penalty unsecured claims up to 100%, with any remaining balance refunded to the Debtor. The Unsecured Creditors' Pool will be adjusted accordingly. All other provisions as set forth in the last confirmed plan remain the same.

III. CURRENT POST-PETITION MORTGAGE PAYMENTS TO BE DISBURSED BY THE TRUSTEE

<i>Mortgage Lender</i>	<i>Current Mortgage Payment Amount</i>	<i>Date to Resume Current Post-Petition Mortgage Payments* (MM/DD/YY)</i>

***IF THE DEBTOR DOES NOT INCLUDE A DATE TO RESUME THE CURRENT POST-PETITION MORTGAGE PAYMENTS IN A CASE THAT IS A CONDUIT CASE AT THE TIME THIS PLAN MODIFICATION IS FILED, THE DATE TO RESUME DISBURSING THE CURRENT POST-PETITION MORTGAGE PAYMENTS SHALL BE THE FIRST DAY OF THE SECOND MONTH FOLLOWING THE START DATE OF THE FIRST PLAN PAYMENT UNDER THIS PLAN MODIFICATION.**

- 1. Current Post-Petition Mortgage Payments shall be paid by the Trustee as set out in paragraph III of this Plan Modification or as otherwise provided in the General Order.*
- 2. Current Post-Petition Mortgage Payment Arrearages due as of the date to resume the Current Post-Petition Mortgage Payments shall be paid by the Trustee as set out in paragraph IV of this Plan Modification or as otherwise provided in the General Order.*
- 3. Any Current Post-Petition Mortgage Payments indicated herein reflects what the Debtor believes are the periodic payment amounts owed to the Mortgage Lender.*
- 4. Adjustment of the Plan Payment and Base Amount shall be calculated as set out in the General Order Paragraph 15(c)(3).*
- 5. Payments received by the Trustee for payment of the Debtor's Current Post-Petition Mortgage Payment(s) shall be deemed adequate protection to the creditor.*
- 6. Upon completion of all Plan Payments, Debtor(s) shall resume making the Current Post-Petition Mortgage Payments required by contract on the due date following the date specified in the Trustee's records as the date through which the Trustee made the last Current Post-Petition Mortgage Payment.*
- 7. Unless otherwise ordered by the Court, if a Conduit Debtor is current on his/her Plan Payments or the payment(s)*
due pursuant to any wage directive, the Mortgage Lender shall be deemed current post-petition.

8. Each claim secured by the *Debtor's* principal place of residence shall constitute a separate class.
9. *Mortgage Lenders* shall retain their liens.

IV. PROVIDE FOR ANY POST-PETITION *MORTGAGE ARREARAGE*

<i>Mortgage Lender</i>	Total Amount of Post-Petition <i>Mortgage Arrearage</i>	Due Date(s) (MM/DD/YY)	Interest Rate	Treatment (\$/Mo or Pro Rata)

The Post-Petition *Mortgage Arrearage* shall be paid by the *Trustee* in the allowed amount and at the rate of interest, if any, set out in this *Plan Modification*. To the extent interest is provided, it will be calculated from the first day of the month that an order is entered approving this *Plan Modification*.

ANY CURRENT POST-PETITION *MORTGAGE PAYMENTS* WHICH HAVE BECOME DUE TO THE *MORTGAGE LENDER* AS OF THE TIME OF THE DATE TO RESUME *CURRENT POST-PETITION MORTGAGE PAYMENTS* UNDER THIS *PLAN MODIFICATION* WILL BE CLASSIFIED AS A POST-PETITION *MORTGAGE ARREARAGE*. IF DESIGNATED TO BE PAID PER-MO, SUCH POST-PETITION *MORTGAGE ARREARAGE* WILL BE PAID AS A LEVEL 5 CLAIM UNDER THE ORDER OF PAYMENT. IF DESIGNATED TO BE PAID PRO-RATA, SUCH POST- PETITION *MORTGAGE ARREARAGE* WILL BE PAID AS A LEVEL 6 CLAIM UNDER THE ORDER OF PAYMENT.

V. PROVIDE FOR OR MODIFY TREATMENT OF SECURED CLAIMS

Creditor Name	Claim Amount	Collateral Description	Value of Collateral	Interest Rate	Treatment (\$/Mo, Pro Rata, Direct, Surrender)
S and C Holdings	\$25,000.00	Homesteadd			\$500.00/Month

The automatic stay shall be terminated and the *Trustee* shall cease disbursements on any secured claim which is secured by any *Surrendered Collateral* (Surr), without further order of the court, pursuant to the General Order.

VI. PROVIDE FOR OR MODIFY TREATMENT OF PRIORITY CLAIMS

Creditor Name	Claim Amount	Interest Rate	Treatment (\$/Mo, Pro Rata, Direct, Surrender)

VII. *DEBTOR'S COUNSEL'S FEE FOR THIS MODIFICATION*

Total Amount of Fee	Amount of Fee Paid Direct	Amount of Fee to Be Disbursed by <i>Trustee</i>
\$650.00		\$650.00

Any additional attorney fee to be disbursed by the *Trustee* will be paid as set out in the Order of Payment.

VIII. ORDER OF PAYMENT

Unless otherwise ordered by the Court, all claims and other disbursements made by the Chapter 13 *Trustee* after the entry of an Order of Confirmation of the Chapter 13 *Plan*, whether pursuant to this *Plan Modification* or a further modification thereof, will be paid in the order set out below, to the extent a creditor's claim is allowed or the disbursement is otherwise authorized. Each numbered paragraph below is a level of payment. All disbursements which are in a specified monthly amount are referred to as "per mo." At the time of any disbursement, if there are insufficient funds on hand to pay any per mo payment in full, claimant(s) with a higher level of payment shall be paid any unpaid balance owed on a per mo payment plus the current per mo payment owed to that same claimant, in full, before any disbursement to a claimant with a lower level of payment. If multiple claimants are scheduled to receive per mo payments within the same level of payment and there are insufficient funds to make those payments in full, available funds will be disbursed to the claimants within that level on a pro-rata basis. Claimants with a higher level of payment which are designated as receiving pro-rata payments shall be paid, in full, before any disbursements are made to any claimant with a lower level of payment.

- 1st - Clerk's Filing Fee and Trustee's Percentage Fee(s) and Noticing Fees will be paid in full.
- 2nd - *Current Post-Petition Mortgage Payments* (as adjusted, if necessary, per General Order) which will be paid per mo.
- 3rd - Secured Creditors designated to be paid per mo and Domestic Support Obligations which will be paid per mo.
- 4th - Attorney Fees which will be paid pro-rata.
- 5th - *Post-Petition Mortgage Arrearage* if designated to be paid per mo.
- 6th - *Post-Petition Mortgage Arrearage* if designated to be paid pro-rata.
- 7th - Arrearages owed on Executory Contracts and Unexpired Leases which will be paid per mo.
- 8th - *Pre-Petition Mortgage Arrearage* if designated to be paid per mo.
- 9th - *Pre-Petition Mortgage Arrearage* and Secured Creditors if designated to be paid pro-rata.
- 10th - All amounts allowed pursuant to a *Notice of Fees, Expenses and Charges* which will be paid pro-rata.
- 11th - Priority Creditors Other than Domestic Support Obligations which will be paid pro-rata.
- 12th - Special Class Creditors which will be paid per mo.
- 13th - Unsecured Creditors other than late filed or penalty claims which will be paid pro-rata.
- 14th - Late filed claims by Secured Creditors which will be paid pro-rata unless otherwise ordered by the Court. 15th - Late filed claims for DSO or filed by Priority Creditors which will be paid pro-rata.
- 16th - Late filed claims by Unsecured Creditors which will be paid pro-rata.
- 17th - Unsecured claims for a non-pecuniary penalty, fine, or forfeiture, or for multiple, exemplary or punitive damages, expressly including an IRS penalty to the date of the petition on unsecured and/or priority claims which will be paid pro-rata.

IX. PROVISIONS FROM PRIOR PLAN(S)

All other provisions as set forth in the last confirmed *Plan* or last subsequently approved *Plan Modification* remain the same.

Date: February 13, 2024

Respectfully submitted,

By: /s/ **Robert A. Higgins**

Robert A. Higgins

Bar No. 24007361

Robert A. Higgins & Associates, P.C.

8200 Camp Bowie Blvd W.

Fort Worth, TX 76116

817-924-9000 (Phone)

817-924-6644 (Fax)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing DEBTOR'S MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION was served upon the Debtor(s) and the parties listed below by or under the direction of the undersigned by United States First Class Mail, postage paid, and electronically by the Clerk on all other parties entitled to electronic notice on the date of filing hereof.

Date Served: 02/13/2024

/s/ **Robert A. Higgins**

Robert A. Higgins

SEE ATTACHED MAILING MATRIX

Label Matrix for local noticing
0539-4
Case 17-45118-mxm13
Northern District of Texas
Ft. Worth
Tue Jan 16 09:47:38 CST 2024

Tarrant County
Linebarger, Goggan, Blair & Sampson, LLP
c/o Lisa Large Cockrell
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328

501 W. Tenth Street
Fort Worth, TX 76102-3637

Asset Acceptance
P.O. 2036
Warren, MI 48090-2036

Baylor All Saints Med Ctr
C/O Creditors Bankruptcy Services
P.O. Box 740933
Dallas, TX 75374-0933

Credit Systems International, Inc
1277 Country Club Lane
Fort Worth, TX 76112-2304

ERC/Enhanced Recovery Corp
Attn: Bankruptcy
8014 Bayberry Rd
Jacksonville, FL 32256-7412

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

LVNV Funding, LLC its successors and assigns
assignee of Arrow Financial Services,
LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Quantum3 Group LLC as agent for
MOMA Funding LLC
P.O. Box 788
Kirkland, WA 98083-0788

Attorney General of Texas
2001 Beach Street, Suite 700
Fort Worth, TX 76103-2315

Texas Workforce Commission
Regulatory Integrity Division - SAU
101 E. 15th St., Rm. 556
Austin, TX 78778-1442

Ace Cash Express
4869 Bryant Irvin Rd
Fort Worth, TX 76132-3615

Atlas Financial Company
3920 S. Buckner Blvd.
Dallas, TX 75227-4313

Baylor All Saints Med Ctr
c/o Creditors Bankruptcy Service
P.O. Box 800849
Dallas, TX 75380-0849

Denovus Corp.
Jefferson Capital
P.O. Box 772813
Chicago, IL 60677-0113

Edward Sloan & Assoc
Po Box 788
Winnsboro, TX 75494-0788

Internal Revenue Service
Special Procedures, RM 9A20
1100 Commerce Street 5024 DAL
Dallas, TX 75242-1100

LVNV Funding, LLC its successors and assigns
assignee of North Star Capital
Acquisition LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

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Tarrant County
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Dallas, TX 75207-2328

Texas Workforce Commission
Special Actions Unit
Regulatory Integrity Division
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Austin, TX 78778-0001

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7525 W Campus Rd
New Albany, OH 43054-1121

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Region 9 Bankruptcy Section
2001 Beach Street, Suite 700
Fort Worth, TX 76103-2315

Credit Service of Oregon
PO Box 1208
Roseburg, OR 97470-0306

Directv, LLC
by American InfoSource LP as agent
PO Box 5008
Carol Stream, IL 60197-5008

Grapevine Suzuki
440 W State Hwy
Grapevine, TX 76092

LVNV Funding, LLC as successors
Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

Main Street Acquisitions
C/o Becket and Lee
P.O. Box 3001
Malvern, PA 19355-0701

S and C Holdings
4211 Great Trinity Forest Way
Dallas, TX 75241-7805

Synerprise Consultin
5651 Broadmoor St
Mission, KS 66202-2407

TEXAS WORKFORCE COMMISSION
Regulatory Integrity Division - SAU
101 E. 15th Street, Room 556
Austin, TX 78778-0001

TXU/Texas Energy
TXU/Bankruptcy
PO Box 650393
Dallas, TX 75265-0393

Tarrant County Tax Collector
C/o Linebarger Goggan Blair & Sampson
2777 N. Stemmons Freeway, Suite 1000
Dallas, TX 75207-2328

Tarrant County Tax Collector
Delinquent Tax Department
100 E. Weatherford Street
Fort Worth, TX 76196-0206

Texas Workforce Commission
Regulatory Integrity Division - SAU
Room 556
101 E. 15th Street
Austin, TX 78778-0001

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

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Fort Worth, TX 76119-2924

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N Richland Hills, TX 76180-6608

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Tarrant County
Linebarger Goggan Blair & Sampson, LLP
c/o Melissa L. Palo
2777 N. Stemmons Frwy
Suite 1000
Dallas, TX 75207-2328

End of Label Matrix	
Mailable recipients	41
Bypassed recipients	1
Total	42